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**NAVAL WAR COLLEGE  
Newport, R.I.**

**Japan's Constitutional Reform Debate and the Potential for Collective Self-Defense**

**by**

**James T. Sultenfuss**

**LCDR, United States Navy**

**A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.**

**The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.**

**Signature: \_\_\_\_\_**

**04 May 2011**

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## **ABSTRACT**

### *Japan's Constitutional Reform Debate and the Potential for Collective Self-Defense*

Japan currently bans collective self-defense with the United States due to the interpretation of Article 9 of their Constitution, which prohibits war as “the right of a sovereign state.” This restriction hinders future growth of the Japan–U.S. Treaty of Mutual Cooperation and Security and interoperability between the countries’ military forces. Because of political difficulties with passing constitutional amendments, the DPJ’s focus on domestic issues, and weak public support, the Japanese are unlikely to amend their constitution to allow collective self-defense (CSD) with the United States in the near future. Constitutional change requires a two-thirds majority vote in both Diet houses and a majority of voter support through a national referendum. To date, this has never been attempted since ratification of the constitution in 1951. The ruling DPJ is not focused on constitutional reform and CSD, alternately working on domestic and quality of life issues. This is despite calls from some bureaucrats and an executive national security panel to move forward with CSD. Recently public support for constitutional reform and CSD has waned reducing chances of adopting constitutional change. Although an easier route, reinterpretation of Article 9 by the ruling government is another road to CSD, but one which is publicly and politically unpopular. With the rising military power of China and the unpredictability of North Korea, CSD approval should be a priority of the Japanese government. As an economical and timely improvement in security, CSD offers Japan a quick solution to pressing defense problems. Through an agreement with defined limitations, Japan could draft a treaty which allows the benefits of CSD while preserving their “peace constitution.”

## **Introduction**

Japan has been one of the United States' most steadfast allies in the Pacific region since their independence in 1951 and the subsequent signing of the Treaty of Mutual Cooperation and Security in 1960. Designed initially because of the Korean War and the Soviet threat, this alliance served the Cold War period well. Japan benefited from U.S. security presence, and America gained regional basing for forward deployed deterrence. After the fall of the Communist Bloc and the advent of a post-9/11 security environment, the treaty has not evolved to meet rising threats in the region. Specifically, due to Japan's continuing constitutional ban of collective self-defense (CSD) with any foreign power including the United States, the security arrangement between the U.S. and Japan has stagnated while threats in the region increase. This ban limits military options to Japan's decision makers and hinders effective responses to an array of defense problems. U.S. operational commanders in the Pacific theater are also concerned about the inadequacies of the treaty as they plan to combat the same regional threats.

For the U.S. military operating alongside the Japan Self Defense Forces (JSDF), the question of CSD is critical, especially when addressing interoperability issues. For the Japan-U.S. security arrangement to be successful, the two militaries must operate together efficiently. With the present "asymmetric treaty"<sup>1</sup> arrangement, where Japan cannot exercise collective self-defense with the U.S., operational commanders must overcome the limitations this agreement presents. For instance, during joint training exercises regularly held between Japanese and U.S. forces, Japan prohibits the establishment of Joint Operation Centers. Instead separate

headquarters are created with the addition of a Coordination Center to help align operations. This organization limits the fighting potential of the allied forces and is unsophisticated considering the 50 year alliance.<sup>2</sup> On the tactical level, the division is even more apparent and is where much of the public debate takes place.<sup>3</sup> Under present policy, a Japanese Maritime Self Defense Force ship cannot defend a U.S. Navy vessel under attack unless they do so in direct defense of Japan. The same is true of Ballistic Missile Defense (BMD). Despite Japan deploying the American PAC-3 Patriot systems nationwide and arming Aegis destroyers with the SM-3 missiles for defense against North Korean missiles, they cannot be used to intercept a North Korean ballistic missile inbound to Hawaii.<sup>4</sup>

Since 2001, the Liberal Democratic Party (LDP), under leadership from Prime Ministers Koizumi and Abe, attempted to change the constitution and loosen CSD restrictions, even making the issues the party's primary platform during the 2007 Diet election.<sup>5</sup> In 2009, the constitutional reform effort withered as a national election shifted control of the Diet to the Democratic Party of Japan (DPJ), who ran on a platform of bureaucratic reform and quality of life issues.<sup>6</sup> Because of political difficulties with passing constitutional amendments, the DPJ's focus on domestic issues, and weak public support, the Japanese are unlikely to amend their constitution to allow collective self-defense with the United States in the near future.

## **Background**

Before addressing why constitutional change is remote, a summary of the present ban on collective self-defense and the mechanisms of constitutional change is necessary. To begin

discussion, all self-defense issues in Japan initiate from Article 9 of the Japanese Constitution which states:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as a means of settling international disputes.  
(2) In order to accomplish the aim of the preceding paragraph, land, sea and air forces, as well as other war potential, will never be maintained. The right of the belligerency of the state will not be recognized.<sup>7</sup>

Read literally, the reader no doubt has difficulty balancing this constitutional limitation with the present JSDF which in 2009 had a budget of over \$51 billion, the sixth largest in the world.<sup>8</sup> Not only do they field a force of more than 228,000 active duty members, but they are equipped with first rate technology and are kept at readiness comparable to top western powers.<sup>9</sup> Yet despite this defense capability, Japan holds that CSD violates Article 9 of their constitution.

Since the ratification of the constitution in 1951, Japanese governments have chosen to progressively redefine and interpret Article 9 to fit the needs of the country's defense situation, without attempting constitutional amendment. These interpretations have been authored by the Cabinet Legislation Bureau (CLB), an advisory board to the Prime Minister and his Cabinet which provides legal opinions concerning the constitutionality of legislation and Cabinet orders.<sup>10</sup> Throughout the post war history, the CLB has been the main interpreter of Article 9. This arrangement is especially peculiar since the Japanese Constitution "explicitly grants right of judicial review to the Japanese courts."<sup>11</sup> However, the Judiciary has left defense related debates to the executive branch and the CLB, with the Judiciary usually finding in favor of the government's position and even asserting the

Judiciary's limited authority over the executive branch.<sup>12</sup> Indeed, this "Judicial passivity in Article 9 cases remains the norm to the present day."<sup>13</sup> Essentially, the CLB has replaced the Japanese Supreme Court as the constitutional interpreter and has been the main arbiter for questions of defense policy constitutionality.<sup>14</sup>

Under current interpretation of the Japanese Constitution, the CLB forbids CSD, as it exceeds the "minimum level of self-defense" allowed under Article 9. Their line of reasoning proceeds as follows: Under the United Nations Charter, all sovereign states have the right of "individual or collective self-defense."<sup>15</sup> Thus, Japan, being a member of the United Nations and an independent state, possesses rights of both types of self-defense, individual and collective. However, since Article 9 of the constitution allows only a "minimum level self-defense", Japan cannot exercise its right of collective defense.

In a 1972 explanation, the CLB stated, "Under the Constitution of Japan, we can use our military force only for counterattacks against urgent and unjust invasions from foreign countries. Therefore, the right to collective self-defense -- which is counterattack against the invasion of other countries -- opposes the concept of our Constitution."<sup>16</sup> In 1981, the CLB iterated and further clarified, "The exercise of the right of self-defense under the Constitution of Japan should be a minimum level for the defense of Japan. The exercise of collective self-defense obviously exceeds the minimum level."<sup>17</sup> This policy still holds today and is codified in the Ministry of Defense's annual white paper: "Since Japan is a sovereign state, it naturally has the right of collective self-defense under international law. Nevertheless, the Japanese Government believes that the exercise of the right of collective self-defense exceeds



the minimum necessary level of self-defense authorized under Article 9 of the Constitution and is not permissible.”<sup>18</sup> Increasingly, the government officials and the public have debated whether Japan should continue to waive their right of CSD or move forward as a “normal” nation. The answer is not soon coming, as numerous hurdles must be overcome either to change the constitution or reinterpret Article 9 to allow CSD.

### **Constitutional Amendment Hurdles – Procedure and Political Will**

The most direct method to permit CSD would be through the constitutional amendment process, a difficult and untried path. The Japanese government could propose a constitutional amendment or rephrase the wording of Article 9 specifically allowing the country to exercise collective self-defense. This road would be exceedingly difficult in the present climate. To put the challenge into perspective, the Japanese Constitution, over 60 years old, has never been amended. This stagnation is caused partly by the procedural difficulty in changing the document. A constitutional amendment study ranked Japan’s constitution eighth out of 32 countries in being difficult to change, at about the same level as the United States.<sup>19</sup>

The first obstacle to constitutional reform is to meet the requirements for an amendment: a super majority in both houses of the National Diet and a simple majority of the electorate. The procedures, found in Article 96 of the Constitution, state two-thirds of both houses of the Diet and a majority of the voters in a special referendum must be in favor.<sup>20</sup> Although the 1951 constitution established this general framework, Japan never designed the specific and

“concrete procedures for a national referendum.”<sup>21</sup> This changed under the leadership of Prime Minister Abe as he and the LDP passed the 2007 “The National Referendum Act”, detailing the specifics of electorate voting.<sup>22</sup> Written into this historic legislation was a three year waiting period before Constitution amendments could be approved, intended to allow time for debate and discussion of potential amendments.<sup>23</sup> That deliberation period ended in May 2010, and as of yet no amendments have been brought to a vote. Illustrating the inertia of the constitutional status quo, Japan has only possessed the legal framework to change the constitution for the past year.

With the legal mechanism to make constitutional change in place, the political will of the majority party must drive the process. The Democratic Party of Japan (DPJ), the present ruling party, lacks the “momentum” to make any changes to the constitution, much less address an Article 9 revision.<sup>24</sup> Although some in the party support an Article 9 debate, most look toward other issues first. The DPJ’s reluctance for constitutional reform rests with the pressing nature of domestic issues, economic strain and recently, the devastation from earthquakes and tsunami. Article 9 changes and constitutional reform have taken a backseat to the fact that “people’s daily lives must be given priority.”<sup>25</sup> As many observers have noted, “there is wide agreement that constitutional revision...will not make it anywhere near the top of the governing DPJ policy agenda anytime soon.”<sup>26</sup>

Beyond their focus on domestic issues, the DPJ must also overcome their present backing by several influential religious groups which are soundly opposed to constitutional reform.<sup>27</sup> DPJ’s connection to these groups has been “strong”, with some members “heavily influenced” by these pacifist groups.<sup>28</sup> A constitutional reform debate could threaten the DPJ majority coalition and hasten their fall from power.

## **Bureaucratic Hope?**

Despite the gloomy chances of constitutional reform listed above, some of Japan's bureaucrats have indicated support for CSD reform. Most recently such backing was in February 2010, when Prime Minister Hatoyama (DPJ) established "an advisory panel of experts" to review "Japan's security and defense policy without taboos...and formulate a plan for Japan's...defense in the new era."<sup>29</sup> Published this past August, the publication called for increasing the "effectiveness of Japan-U.S. bilateral operations" by "reviewing the current interpretation of self-defense."<sup>30</sup> Citing examples of collective self-defense between naval vessels and the difficulties with unilateral ballistic missile defense, the panel's final report stressed that current constitutional interpretations limit politicians' ability to even consider collective defense as a policy option.<sup>31</sup> However despite the appeal for a more liberal and preemptive interpretation of Article 9 concerning CSD, the council concluded that these deliberations on self-defense should come from the government, "not initiated from constitutional and legislative discussions."<sup>32</sup> The "civil service bureaucracy," not elected politicians, authored this work, further highlighting the differing opinions between DPJ cabinet and Diet members and the career administrators.<sup>33</sup>

The DPJ's formal answer to the Council's report was the Ministry of Defense's "National Defense Program Guidelines" (NDPG), published in December 2010. A ten-year defense strategy outline, the NDPG, similar to the National Security Strategy document in the United States, structures Japan's defense and security strategy for the future. Rejecting the calls for leadership on CSD reform from Hatoyama's panel, the DPJ's 2010 NDPG makes no mention of constitutional revision or collective self-defense, other than setting vague goals to "deepen

and develop the Japan–U.S. Alliance.”<sup>34</sup> Unlike the panel’s advisory report, the NDPG provides legal guidelines for future force structure and therefore shows the path the DPJ plans to take in the near future – no CSD reform.<sup>35</sup> By not addressing the CSD issue in NDPG 2010, the current government is effectively stating this issue is off the table for the near future.<sup>36</sup>

### **Weak Public Support**

Although political support in the Diet is critical to setting constitutional reform on the agenda and beginning the process, public opinion must create the momentum for change, as Diet members are “generally sensitive to public opinion.”<sup>37</sup>

Japan’s public mildly supports general constitutional reform, but is decidedly against Article 9 revision. Furthermore, support of constitutional reform has declined over the past five years, as public interest has moved to other issues. Since 2000, public opinion polls have shown a slim majority in support of general constitutional reform, however not specifically for Article 9 and CSD.<sup>38</sup> In a Nikkei Shimbun opinion poll conducted in April 2010, 47 percent of Japanese polled supported amending the constitution, with 40 percent opposed.<sup>39</sup> The Asahi Shimbun found similar results with 47 percent in favor and 39 percent opposed.<sup>40</sup> For those in favor of reform, the most popular reason was to include a new system of rights (73 percent)<sup>41</sup> or to change the structure of the nation in order to facilitate reforms more easily (60 percent).<sup>42</sup> Article 9, as a reason for constitutional change, had relatively low support at 15 percent in the Asahi poll. When asked directly if Article 9 should be amended, 67 percent responded “no,”<sup>43</sup> and on the question of collective self-defense, 51.6 percent did not believe the right needed to be “exercised.”<sup>44</sup>

Not only is the public support for constitutional change too low to motivate Diet members to introduce amendments, but also the amendments would not have the support of the electorate to pass the required national referendum. That support is waning as well. As the DPJ has focused on domestic issues and Japan suffers from an economic recession, support for constitutional reform has eroded over the last five years, dropping seven points from a high of 54 percent.<sup>45</sup> Japanese public opinion of constitutional reform and revision of Article 9 over the last few years is summarized in Figure 1, where the decline is easily noted.

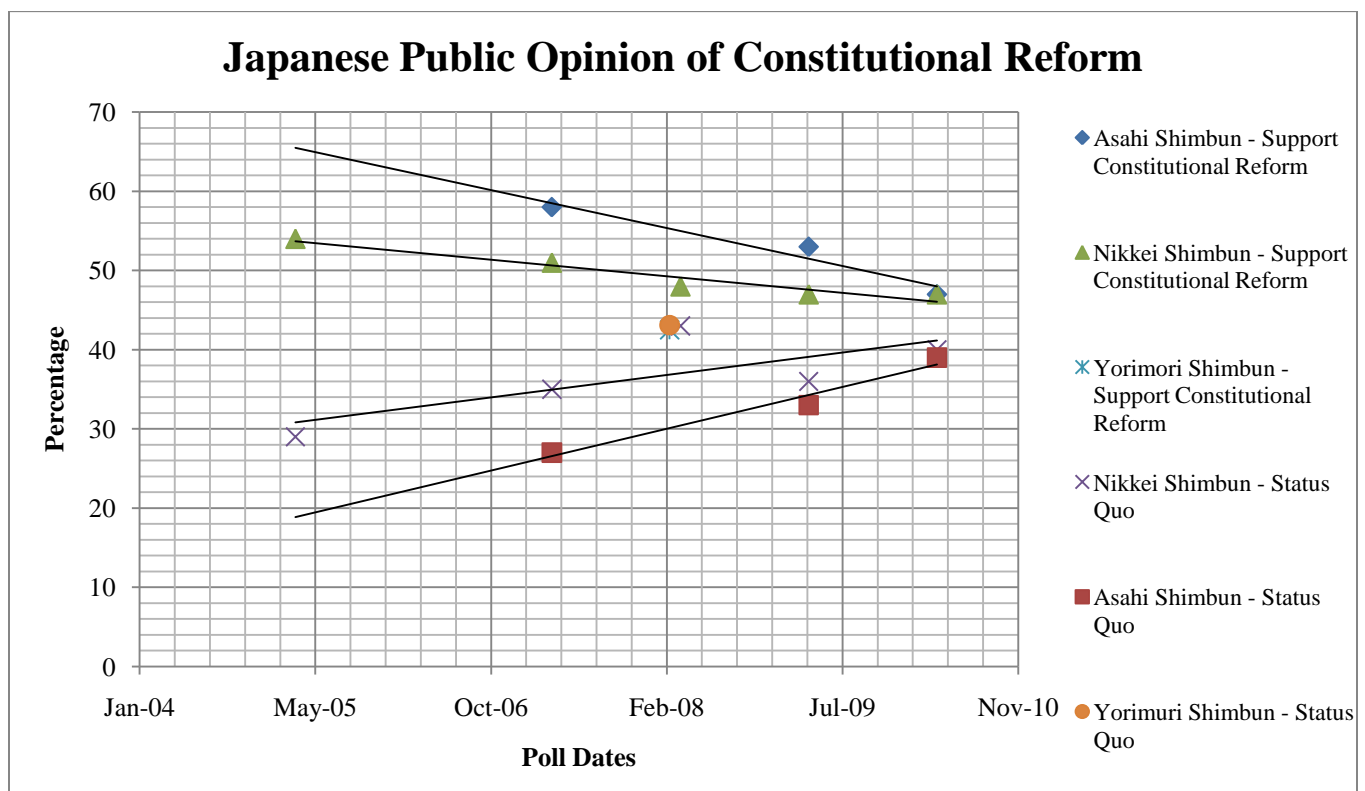


Figure 1. Data derived by the author from Asahi Shimbun, Nikkei Shinbun and Yomiuri Shimbun newspapers' public opinion surveys conducted from May 2005 to November 2010. The surveys are found at The Maureen and Mike Mansfield Foundation, The Mansfield Asian Opinion Poll Database, [http://www.mansfieldfdn.org/polls/polls\\_listing.htm](http://www.mansfieldfdn.org/polls/polls_listing.htm) (accessed 29 April 2011)

## **Reinterpretation Unpopularity**

Although constitutional reform is the most direct and lasting way to allow CSD, the Japanese government could attempt to simply reinterpret the current Article 9 in favor of collective self-defense. Defense hawks argue the CLB could simply reinterpret Article 9 to allow collective self-defense, as done with other controversial defense issues such as out of area JSDF deployment. This option can be accomplished by reinterpreting the definition of “minimum self-defense” to include collective defense with the United States. Parliamentary Vice-Minister of Defense Nagashima Akihisa thinks that Article 9 could allow CSD “if the interpretation were changed.”<sup>46</sup> Presumably that reinterpretation would place restrictions that limit the area and scope of CSD, so that Japan could preserve the spirit of their “Peace Constitution.” The Prime Minister and the Diet could decide where and how the Japanese Self-Defense Forces would support U.S. forces based on the situation. However, this option is not supported by the people. A 2008 public opinion poll reported 18.7 percent of Japanese thought that the constitution should be reinterpreted to allow collective self-defense.<sup>47</sup> Probably sensing the lack of popular support for the issue, the DPJ leadership in 2009 has stated that a reinterpretation of Article 9 is not being planned.<sup>48</sup>

## **CSD and Regional Security**

Even though a change allowing collective defense will likely not come in the near future, it does not diminish the need for Japan to move in that direction to improve defense capabilities, and to participate effectively as a world power. Militarily, a “normalized” Japan would increase options and capabilities available to Japanese leadership and Pacific operational commanders.

Collective self-defense with the United States offers Japan greater security from China and North Korea. In their latest national defense documents, Japan worries about the “increasingly severe” security environment created by “North Korea’s nuclear and missile issues, the modernization of China’s armed forces, and the intensification of military activities by China and Russia.”<sup>49</sup> Improved interoperability with the United States is a natural counter to this threat and is a desired goal stated by Prime Minister Hatoyama’s security Panel mentioned above. In their 2010 report, the Panel advised, “Since the resources that can be allocated to the defense sector is limited, enhancing the effectiveness of Japan–U.S. bilateral operations is a rational choice for the defense of Japan.”<sup>50</sup> Some defense bureaucrats have accepted the need to move toward CSD for future regional security, as a collective self-defense agreement with the United States would help the two allies present a seamless front to the destabilizing and aggressive forces in the region. The DPJ and Japanese public are yet to be convinced.

A collective self-defense agreement would help balance growing Chinese military strength and North Korea unpredictability at no financial cost. With the Japanese budget strained with domestic program expenditures and the JSDF share limited to 1 percent of GDP,<sup>51</sup> an increase in defense spending is unlikely. However, a reinterpretation of Article 9 to now allow collective self-defense would be an immediate improvement in security at no cost.<sup>52</sup> To circumvent the weak public support for revision, Japan could gradually implement collective self-defense, first in the missions that immediately make the most sense, then more fully into the sensitive areas. Theater Ballistic Missile defense and Naval vessel collective self-defense would be effective stepping stones for gradual implementation. Hatoyama’s panel stressed that Japanese legislation has not kept up with the rapid progress of science and

technology, notably in the areas of BMD and Naval Operations.<sup>53</sup> Indeed legislation, debated in 2007, would have provided for collective self-defense between JMSDF and U.S. Navy vessels, but failed to pass due to political sensitivities.<sup>54</sup>

The Japanese population is also concerned about the present security situation around Japan, with 72 percent “feeling uneasy” about the “current state of peace and security.”<sup>55</sup> This unease is mostly directed at China and Korea with a December 2010 Asahi Shimbun poll showing the public believes these two countries pose the largest military threat to Japan. Although the public clearly recognizes the threat, the Japanese disagree over the preferred solution to these security issues. When asked about the degree the Japan–U.S. Defense Treaty contributes to peace and security in Japan, 80 percent of respondents say “very helpful to somewhat helpful.”<sup>56</sup> But at the same time, only 41 percent of respondents think that the U.S. would seriously protect Japan if it came “down to a crucial moment.”<sup>57</sup> The American image in Japan is still solidly positive, but the questions of U.S. resolve could undermine future CSD agreements. Potentially, the U.S. recovery assistance after the recent Japanese earthquake, and nuclear disaster could allay doubts.

Also, there is no alternative to replace the United States as a security partner. Moves to make Japan independent unilaterally are too expensive and no other country could offer the security arrangement in place presently. This problem has driven the DPJ, in an attempt to become an equal partner with the U.S., to “explore cooperation in areas other than security.”<sup>58</sup> Cooperation, through free-trade agreements, nuclear non-proliferation and climate change, all DPJ agenda items, create a potential outlet for increasing the Japanese-U.S. bond in lieu of CSD until the climate is right for constitutional change.<sup>59</sup>



## **Breakthrough Events**

Historically, breakthrough changes in Japanese interpretations of Article 9 have come from external world events. After Operation DESERT STORM, Japan began allowing JSDF to participate in UN peacekeeping operations.<sup>60</sup> Similarly, after 9/11 and the Operation IRAQI FREEDOM, the Japanese enacted legislation to allow JSDF to deploy to Iraqi and aid in reconstruction.<sup>61</sup> Presumably, future world events could precipitate further change in Japanese defense policy, and specifically CSD. More numerous incidents of North Korea testing ballistic missiles, or disputes with Chinese fishing vessels, might shift the DPJ and public opinion in the direction of CSD with the United States. Japanese participation in Admiral Mullen's "1000 Ship Navy" concept might offer Japan non-controversial security missions, such as anti-piracy operations, and disaster relief, gradually incorporating the JMSDF into the world naval community. The public is comfortable with JSDF overseas deployments if they are used for U.N. peace keeping efforts and humanitarian missions, with recent polling indicating 59 percent support.<sup>62</sup> Japan, the third largest economy in the world, wants to play a commensurate role in the world while, at the same time not undermining their commitment to their "peace constitution." Japanese and U.S. policy makers should remain sensitive to these types of events and make the most of the opportunity to forward CSD.

Perhaps political and public opinion could be influenced toward CSD through Japan-U.S. exercises, such as Annual Exercise (ANNUALEX) and RIMPAC. Planners could develop scenarios and events in the exercise to demonstrate the weakness in the current security arrangement, while highlighting the efficacy of CSD for Japan. The results of these exercises could then be leveraged with Japanese politicians and their public as a needed change. Similar to the 2004 COPE INDIA where the exercise's results bolstered support for the U.S.

Air Force's F/A-22 program,<sup>63</sup> Seventh Fleet could design scenarios for future ANNUALEXs to explore weaknesses in the treaty, and then subsequently use the results to persuade policy makers to work toward CSD.

### **Politics of Constitutional Reform**

U.S. military personnel attempting to influence Japanese policy makers would do well to understand the issues with reform of Article 9 and CSD do not follow pure political ideologies. The movement to allow CSD is not solely a conservative platform, just as support for the status quo, forbidding CSD, is not wholly liberal. The DPJ, the center left party currently holding the majority in the House of Representatives, is divided over the issue with some members supporting constitutional revision and other solidly opposed. Likewise, the Liberal Democratic Party, the historic center-right party, houses opinions on both sides of the debate. As Linus Hagstrom points out, the meaningful difference between the two main parties on this issue is the reasoning behind their positions. The LDP's constitutional reformers were primarily concerned with "negating the legacy of Occupation" by making Japan more independent from the United States.<sup>64</sup> In contrast, DPJ revisionists look for a Japan more involved in international security and peace-keeping operations throughout the world, especially within the United Nations construct.<sup>65</sup> However, with the DPJ involved with more pressing issues, constitutional reform or compromise with the opposition party is distant.

### **Final Remarks**

With the unpredictability and heavy-handed nature of recent Chinese actions, many Pacific nations are seeking to hedge their situation by tightening relations with the United States. A CSD agreement with the United States would be a positive step for Japan to cheaply and immediately counter those regional threats. Until public opinion and the political climate improves, that decision is unlikely. Potentially, another event such as the China-Japan dispute over territory in the Senkaku islands could shift the CSD debate back onto center stage. Whatever the future of Japanese CSD, the survival of the venerable security alliance between the U.S. and Japan is unquestioned and remains likely for the foreseeable future.<sup>66</sup> As Yukio Okamoto, a member of the Japanese Prime Minister's Task Force on Foreign Relations wrote in 2002, "The Japan-U.S. alliance is not just Japan's primary security relationship- it is its only one."<sup>67</sup>

## NOTES

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<sup>1</sup> Yoshinori Ozaki. "Toward an Interdependent Partnership." Research Paper, Washington, DC: The Henry L. Stimson Center, July 2007, p. 1.

<sup>2</sup> Ibid., 11.

<sup>3</sup> Ibid., 12.

<sup>4</sup> Japan Security Council and the Cabinet. *National Defense Program Guidelines for FY 2011 and Beyond*. (Tokyo, Japan: Prime Minister of Japan and His Cabinet, 17 December 2010), pp. 16-17.

<sup>5</sup> Tobias Harris. "How Will The DPJ Change Japan?" *Naval War College Review*, Vol. 63, Iss.1 (Winter 2010).

<sup>6</sup> Ibid.

<sup>7</sup> The Japanese Constitution of 1947, Ch. 2, Art. 9.

<sup>8</sup> Stockholm International Peace Research Institute, "Military expenditure data, 2000–2009," <http://www.sipri.org/yearbook/2010/05/05A> (accessed 3 May 2011)

<sup>9</sup> Japan Ministry of Defense. *Defense Programs and Budget of Japan – Overview of FY2010 Budget*. Tokyo, Japan: Minister of Defense, 2010, pg. 28. [http://www.mod.go.jp/e/d\\_budget/pdf/220416.pdf](http://www.mod.go.jp/e/d_budget/pdf/220416.pdf). (accessed 3 May 2011)

<sup>10</sup> Richard J. Samuels, "Politics, Security Policy, and Japan's Cabinet Legislation Bureau: Who Elected These Guys, Anyway?" JPRI Working Paper No. 99 (San Francisco, CA: Japan Policy Research Institute, March 2004) <http://www.jpri.org/publications/workingpapers/wp99.html> (accessed 3 May 2011)

<sup>11</sup> J. Patrick Boyd and Richard J. Samuels, "Nine Lives?: The Politics of Constitutional Reform in Japan," *Policy Studies* 19, 2005, East-West Center Washington, p. 6.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Samuels, "Politics, Security Policy, and Japan's Cabinet Legislation Bureau."

<sup>15</sup> The Charter of the United Nations, Chapter 7, article 51, states, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

<sup>16</sup> Ozaki. "Toward an Interdependent Partnership." 9.

<sup>17</sup> Ozaki. "Toward an Interdependent Partnership." 9.

<sup>18</sup> Japan Ministry of Defense. *Defense of Japan 2010 (Annual White Paper)*. Tokyo, Japan: Minister of Defense, 2010, p. 138.

<sup>19</sup> Donald A. Lutz. "Toward a Theory of Constitutional Amendment." *The American Political Science Review*, Vol. 88, No. 2. (June, 1994), p. 369.

<sup>20</sup> Article 96 of the Japanese Constitution of 1947 states, "Amendments to this Constitution shall be initiated by the Diet, through a concurring vote of two-thirds or more of all members of each house and shall thereupon be submitted to the people for ratification, which shall require the affirmation vote of a majority of all votes cast thereon, at special referendum or at such election as the Diet shall specify."

<sup>21</sup> Foreign Press Center/Japan (FPCJ), "Japan Brief." 15 May 2007, [http://fpcj.jp/old/e/mres/japanbrief/jb\\_741.html](http://fpcj.jp/old/e/mres/japanbrief/jb_741.html) (accessed 16 April 2011)

<sup>22</sup> Ibid.

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